

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff

v.

VOLODIMYR PIGIDA,

Defendant.

CASE NO. CR18-294RSM

ORDER RE: DISPUTED MOTIONS IN  
LIMINE

**I. INTRODUCTION**

This matter comes before the Court on the Government's SEALED Motion to Exclude Information (Dkt. #183), Motion to Exclude Evidence Regarding Advice of Counsel After June 2, 2014 (Dkt. #187), and Defendant Volodymyr Pigida's Motion to Exclude Evidence of Overall Loss (Dkt. #188). These Motions are DEFERRED, GRANTED IN PART, and DENIED.

**II. THE GOVERNMENT'S MOTIONS**

- 1. Sealed motion to exclude information.** Defendant has agreed he will not seek to introduce this matter without leave of the Court. Dkt. #189. DEFERRED.
- 2. Evidence regarding advice of counsel after June 2, 2014.** The Government moves to exclude evidence regarding any legal advice that Mr. Pigida received after June 2, 2014, arguing there has been neither waiver of the attorney-client privilege nor notice of an

1 advice of counsel defense. Dkt. #187 at 1. The Government’s motion relates to three  
2 sets of attorneys who represented Trend Sound Promoters (“TSP”) and/or Mr. Pigida  
3 during the period of the alleged conspiracy: (1) Annette Mouton; (2) Larry Feinstein;  
4 and (3) The MDK law firm. The Government cites to a letter sent on the Court’s  
5 deadline for providing notice of an advice of counsel defense, in which the Government  
6 claims Mr. Pigida disclaimed such a defense for the period after June 2, 2014. Dkt.  
7 #187-2. The Court will not restrict defense counsel from advancing the advice of  
8 counsel defense at this time, but makes the following rulings as to communications  
9 between the three sets of attorneys and the Defendant:  
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- 11 a. Annette Mouton: The defense agreed it “will not elicit testimony from Ms.  
12 Mouton about any client communications she may have had after June 2, 2014,  
13 with Mr. Pigida or Marina Bondarenko, related to an advice of counsel reliance  
14 defense” or any “privileged communications that may have occurred after June  
15 2, 2014.” Dkt. #190 at 2. Defense counsel is instructed to seek leave of court  
16 before introducing any communications between Ms. Mouton and the  
17 Defendant or Ms. Bondarenko after June 2, 2014. As to the three documents at  
18 issue, defense counsel agrees that it will not move to introduce the June 16 email  
19 (Defense Exhibit A-8) and the Court finds that the June 5, 2014, letter from Ms.  
20 Mouton to the Trustee (Defense Exhibit A-61) and the June 18, 2014  
21 communication between Ms. Mouton and the Trustee (Defense Exhibit A-5)  
22 non-privileged and shall not be excluded at this time. This order does not bar  
23 the Government from making other objections to Defense Exhibit A-61 and  
24 Defense Exhibit A-5 if appropriate. GRANTED IN PART.  
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1 b. Larry Feinstein: Defense counsel agrees it “will not elicit testimony from Mr.  
2 Feinstein about any communications that occurred after June 2, 2014.” Dkt.  
3 #190 at 4. GRANTED.

4 c. MDK law firm: Defense counsel agrees it “will not elicit testimony about any  
5 attorney-client communications between Mr. Pigida and MDK” or “offer any  
6 exhibits involving MDK that would otherwise be considered privileged  
7 records.” Dkt. #190 at 6. The Court will permit testimony, subject to its other  
8 rulings, that MDK represented Mr. Pigida and Ms. Bonderakno once TSP  
9 entered Chapter 7 bankruptcy on June 2, 2014. Defense counsel is instructed to  
10 seek leave of court before introducing any communications between MDK law  
11 firm representatives and the Defendant. GRANTED IN PART.  
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### 13 **III. DEFENDANT PIGIDA’S MOTIONS**

14 **1. Evidence of overall loss.** Mr. Pigida moves to preclude the Government from  
15 referencing, at any time during trial, the loss amount purportedly caused by the charges  
16 against Defendant. Dkt. #188. The Court finds that testimony or evidence relating to  
17 the overall loss caused by the charges against Defendant is relevant background to support  
18 the current charges. DENIED.  
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### 20 **IV. CONCLUSION**

21 Having reviewed the briefing for these Motions, along with the remainder of the record,  
22 the Court hereby finds and ORDERS that the Motions in Limine (Dkts. #183, 187, 188) above  
23 are DEFERRED, GRANTED IN PART, and DENIED.  
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2 DATED this 14<sup>th</sup> day of November, 2022.  
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6 RICARDO S. MARTINEZ  
7 UNITED STATES DISTRICT JUDGE  
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